



Public Presentation
of the CCBE-ELF Guide
on the use of
artificial intelligence
by lawyers and
law firms in the
European Union

Introductory remarks



James MacGuill

CCBE President

Péter Szabó

Chair of the Board of Directors of ELF



The digitalisation of Justice in Europe



Petar Vitanov

Member of the European Parliament,
Rapporteur on the European Parliament's report on AI in criminal law,
Shadow rapporteur on the AI Act

Ingrid Bellander Todino

Head of the Fundamental Right policy unit,
DG Justice of the European Commission



Presentation of the Guide on the use of AI by lawyers and law firms in the EU



Dr. Péter Homoki

Author of the Guide on the use of AI by lawyers and law firms in
the EU

Guide on the use of Artificial Intelligence-based tools by lawyers and law firms in the EU

AI4Lawyers Phase 3

A presentation of the AI4LAWYERS project
by **Peter Homoki**
JUST /JACC/EJU/AG/2019, Grant n: 881527



This project has been funded with support from the European Union's Justice Program

Outline

The AI4Lawyers project and CCBE's previous work

The work method:

Why and for what purpose and was the guide created?

Why is this important not only for lawyers, but for society?

Terminology: AI and other novel technologies

Categories

Drafting support tools

Document analysis

Text retrieval and case law analysis

Speech to text

Chatbots

Other assistance in internal office admin

Scenarios

Risks of professional obligations



Project Website available
<https://ai4lawyers.eu/>

AI4Lawyers: the project

ELF (Project coordinator) & **CCBE** (Partner)

1st April 2020-31st March 2022

Objectives:

1. To create an overview of the average state of the art of the IT capabilities of lawyers and law firms in the EU
2. To identify the opportunities and barriers in the use of natural language processing tools in SME law practices
3. Drafting a guide on the use of AI by lawyers and law firms in the EU (Action Plan 2019-2023)
4. To keep EU lawyers, Bars and stakeholders about the project and its results and to promote the guide



AI4Lawyers – Artificial intelligence for lawyers: Guide on the use of AI and other novel IT technologies by European lawyers and law firms

OVERVIEW ON THE "AVERAGE STATE OF THE ART" IT CAPABILITIES OF LAW FIRMS IN THE EUROPEAN UNION AND GAP ANALYSIS COMPARED TO US/ UK/CANADA BEST PRACTICES



FEBRUARY 2021

European Lawyers Foundation
ANBI – Dutch Public Benefit Organisation
Fluwelen Burgwal 58, 2511 CJ Den Haag, The Netherlands – Tel. +31 612 99 08 18
E-mail: info@elf-fae.eu – Website: www.elf-fae.eu



The project is co-funded by
the Justice Programme
of the European Union



AI4Lawyers – Artificial intelligence for lawyers: Guide on the use of AI and other novel IT technologies by European lawyers and law firms

Call: JUST-JACC/EJU/AG/2019, Grant number: 881527

Work Package 2 – Deliverable 2.2 – Public OPPORTUNITIES AND BARRIERS IN THE USE OF NATURAL LANGUAGE PROCESSING TOOLS IN SME LAW PRACTICES



26 November 2021

European Lawyers Foundation
ANBI – Dutch Public Benefit Organisation
Fluwelen Burgwal 58, 2511 CJ Den Haag, The Netherlands – Tel. +31 612 99 08 18
E-mail: info@elf-fae.eu – Website: www.elf-fae.eu



The project is co-funded by
the Justice Programme
of the European Union

Previous work of CCBE in this field (besides the two reports)

- CCBE Guidelines on the Use of Cloud Computing Services by Lawyers (7 September 2012)
- CCBE Comparative Study on Governmental Surveillance of Lawyers' Data in the Cloud (2014)
- CCBE Guide on the Use of Online Legal Platforms (29 June 2018)
- CCBE Considerations on the Legal Aspects of AI (2020)

The work method




Objective

How lawyers will be able to use the opportunities provided by AI tools?

How could such tools help small firms?

*to assist in understanding how some currently popular **categories of such tools work and how they can be put at the service of lawyers in a way that **does not undermine their professional obligations*****

→ easy-to-read, but detailed guide with some technicals

 Lawyers have to respond to
a more digitised society
changing client requirements

increase in the amount of data generated at the level of society
(e.g. digital evidence to be processed, changing court processes)

→ we have to understand, embrace and adapt to these changes

AI tools are part of these transformative changes

AI is not about letting technical providers take work from lawyers

Provide opportunities for smaller firms to e.g.

compete successfully with larger firms in new areas

improve workflows and increase added value of their work



not *product centered*

~~which tools to use?~~

~~how to use the tools?~~



but *didactic*

what should you expect from such tools, how these tools work?

in what directions they may develop in the future?

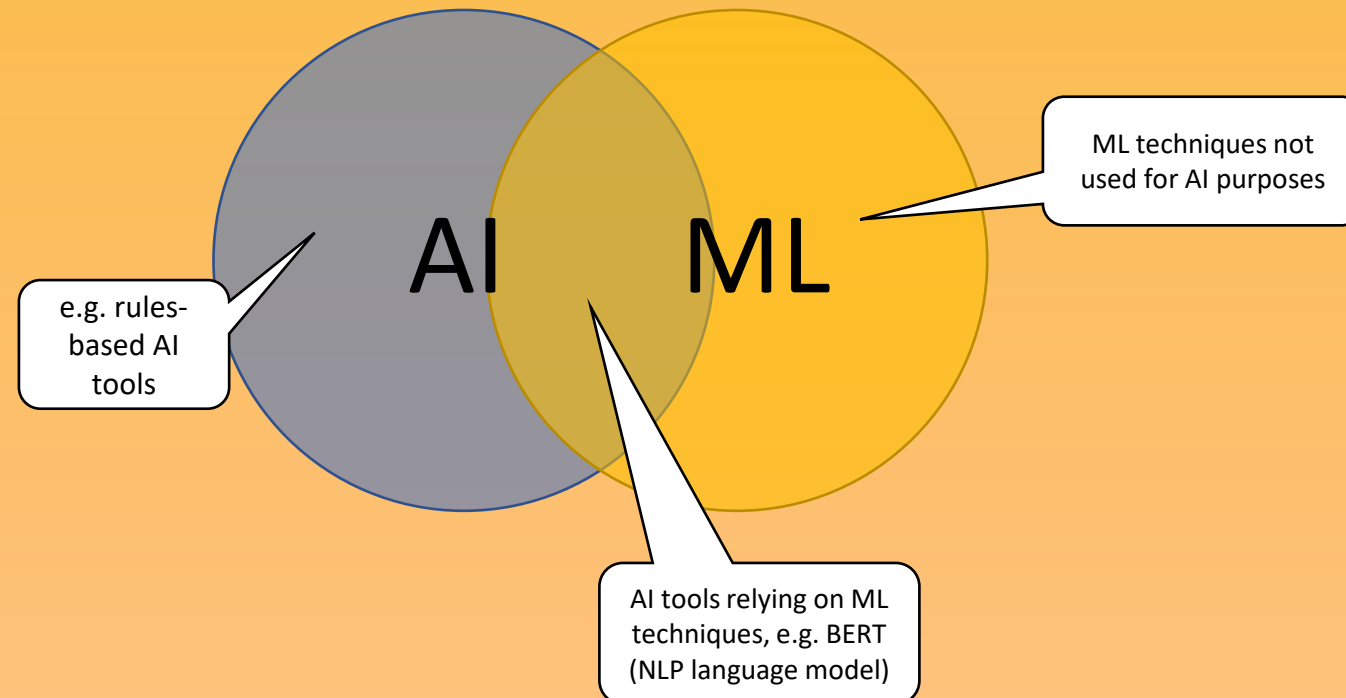
what are the lawyers' opportunities?

AI and other novel technologies and other terminology = **how we use it**

AI tools imitating human capabilities? or system agent interacting with its environment?

more of an objective & a marketing term = different meanings

ML a way of operation: parameters of the procedure change (improves) based on the previous examples provided during “training”



What is NLP? (Deliverable 2.2)

lawyers work with the language; we consider it normal for language to have multiple meanings and different interpretation ...

computational linguists and other computer scientists also focus on this job, but from the point of view of **automation**. that's natural language processing.

one distant objective, huge area of research:

how does human understanding work, can we automate that somehow?
can we approximate human understanding by a machine?

what language is the text in? what's the role of a word in a sentence?

how can we create good quality text from components? how can we imitate human voices by machines? or transcript speech to text?

a collection of very different techniques

extracting symbols from text; discovering relationships between words based on statistical relationships and context (word embedding, subword level etc.)

rule-based or ML-based etc.

Categories of AI tools



Drafting support tools

writing assistance; document assembly; other data-to-text

Document analysis

how multiple levels of classifiers and information extraction work

Text retrieval and case law analysis

changing objectives of legal research: relevancy, semantic search, argument mining, three levels of analysis CNB (informative, analytical, predictive/simulative?)

Speech to text: advanced transcription tools and voice assistants

Chatbots: client facing techniques in platforms and virtual worlds

Other assistance in internal office administration work:

from time tracking to surveillance, AI in filing/managing docs etc.

Scenarios of how the (future) Lawyer uses AI tools

a narrative of tools that are theoretically possible even today
(but without regard to market realities, corpus etc.)



1. Bilateral *contract negotiations* on a separate *platform* for a client
2. Client meeting (booked with a chatbot, carried on a messaging platform) with automated *client intake*
3. A simple *lease agreement* is needed very quickly, w/ some customisations needed
4. “It’s the future, so doorbells sing” — unless they are broken, then lawyers are needed; estimating workload and *preparing submissions*
5. Legal review of smart contracts for a new decentralised application (dApp)

Risks of professional obligations



using cloud computing and online platforms for AI tools: + easy to implement and use, - extraterritoriality, risks of losing access to data, vendor lock-in

relying on results without proper explanation and understanding:

popularity of black box language models ↑, “explainability how lawyers understand it” ≠ researcher’s “XAI”, little transparency on how AI tools work, brittleness, bias etc.

privacy: lack of transparency on reuse of data, problems of anonymisation, reverse-engineering trained models to reveal original information

competence and the dangers of trying out new technologies: FOMO, lack of proper understanding, understanding “how technology works” vs. understanding “how technology affects society”

competence and balancing promises with actual capabilities: dangers of overpromising and underdelivering — technical capabilities multiply reach, but no such scalability at the delivery of services with mandatory human overview

client confidentiality: putting risks to client ahead of concerns of costs and uniform technical processes

independence of lawyers: business pressure from successful AI tools (and platforms) to accept solutions that restrict independence

Thank you!



Panel discussion 1: The digital transformation of law firms challenges and opportunities



Thierry Wickers

3rd Vice-President of the CCBE



Elise Hecq

INCUBRUX (European Incubator of the Brussels Bar)

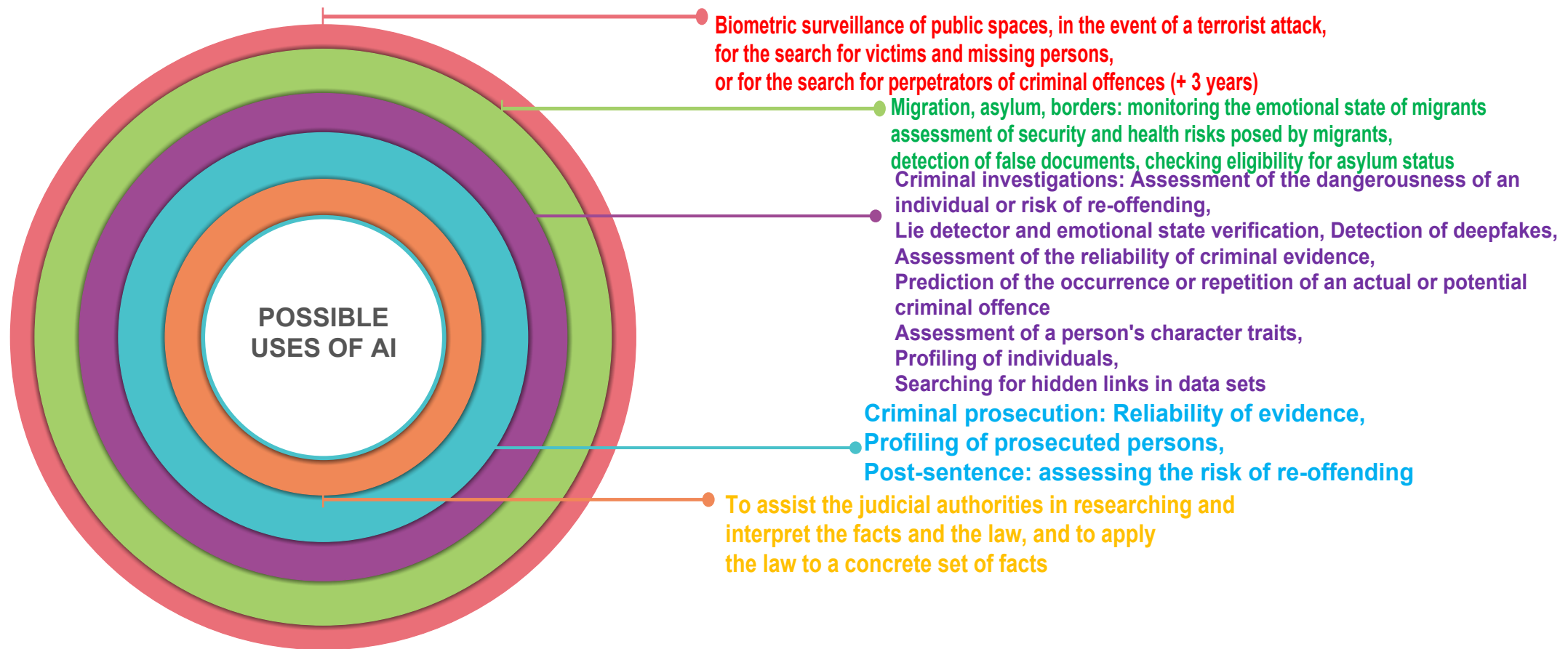


Jiri Novak

Chair of the CCBE IT Law Committee



Moderated by Simone Cuomo, Secretary-General of the CCBE



EUROPEAN LAWYERS
 CCBE
 AVOCATS EUROPÉENS

EUROPEAN BARS
 BARREAUX EUROPÉENS

PREDPOL

The Predictive

PredPol® uses artificial intelligence to help you prevent crime where crime is most likely to occur, allowing you to measure effectiveness.

HunchLab

Features Resources Team Get HunchLab

Next generation predictive policing.

Watch a Brief Overview

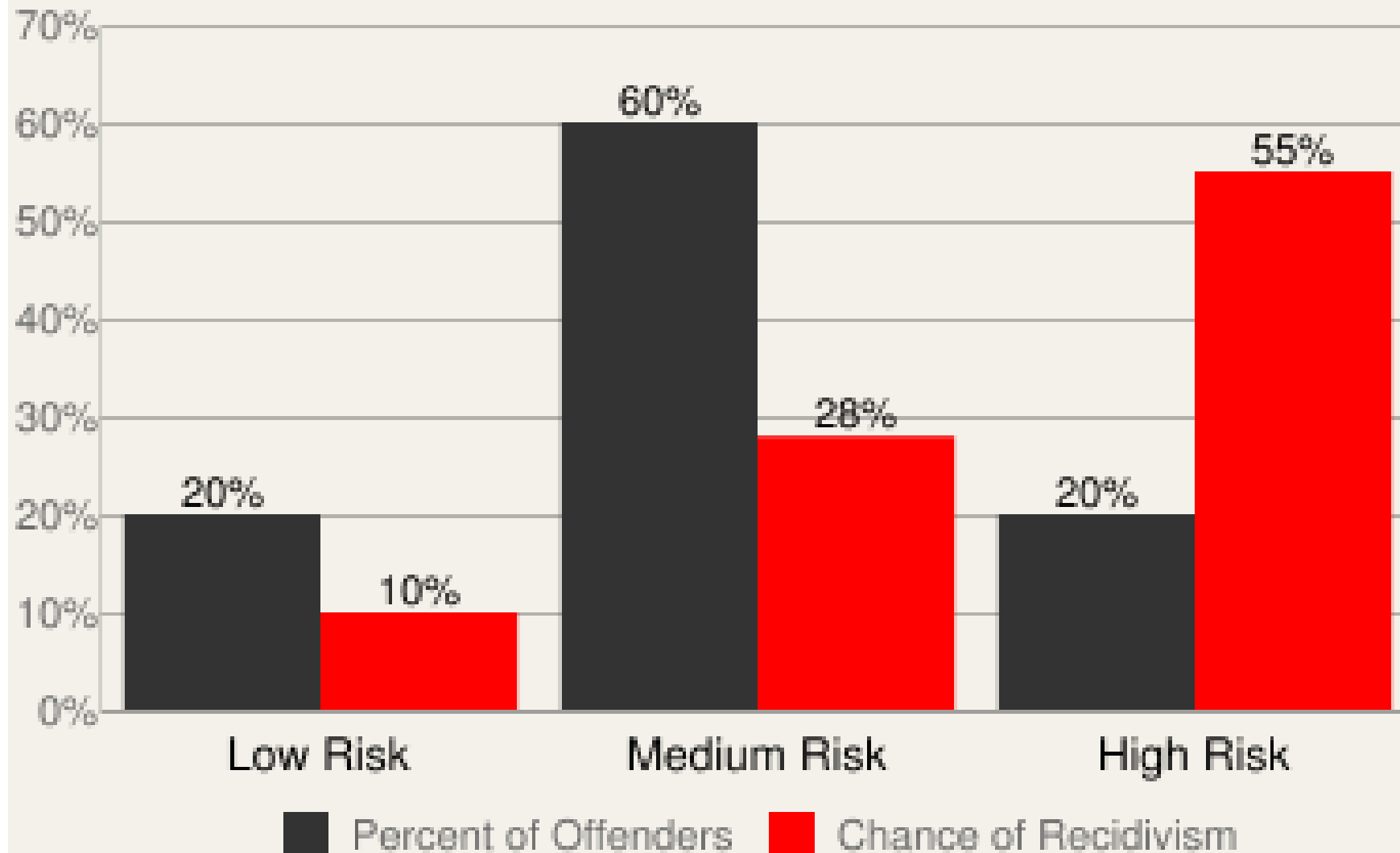
WHAT IF YOU KNEW WHEN AND WHERE TO BE TO FIGHT CRIME?

00:06 / 00:49 HD

11/04/2022

CCBE - BRUXELLES 31/3/2022

Classification Rates for Risk Assessment Tool





iBorderCtrl: Intelligent Portable Control System

A novel two-stage procedure

for fast and convenient border crossing
of bona-fide travellers

Border control

Learn about the iBorderCtrl outcomes



The iBorderCtrl enables faster and thorough border control

[More info](#) >



Description of the iBorderCtrl Technical Framework

[More info](#) >



3 Scenarios: Hungarian, Greek, Latvia Borders

[More info](#) >

A general approach for predicting the behavior of the Supreme Court of the United States

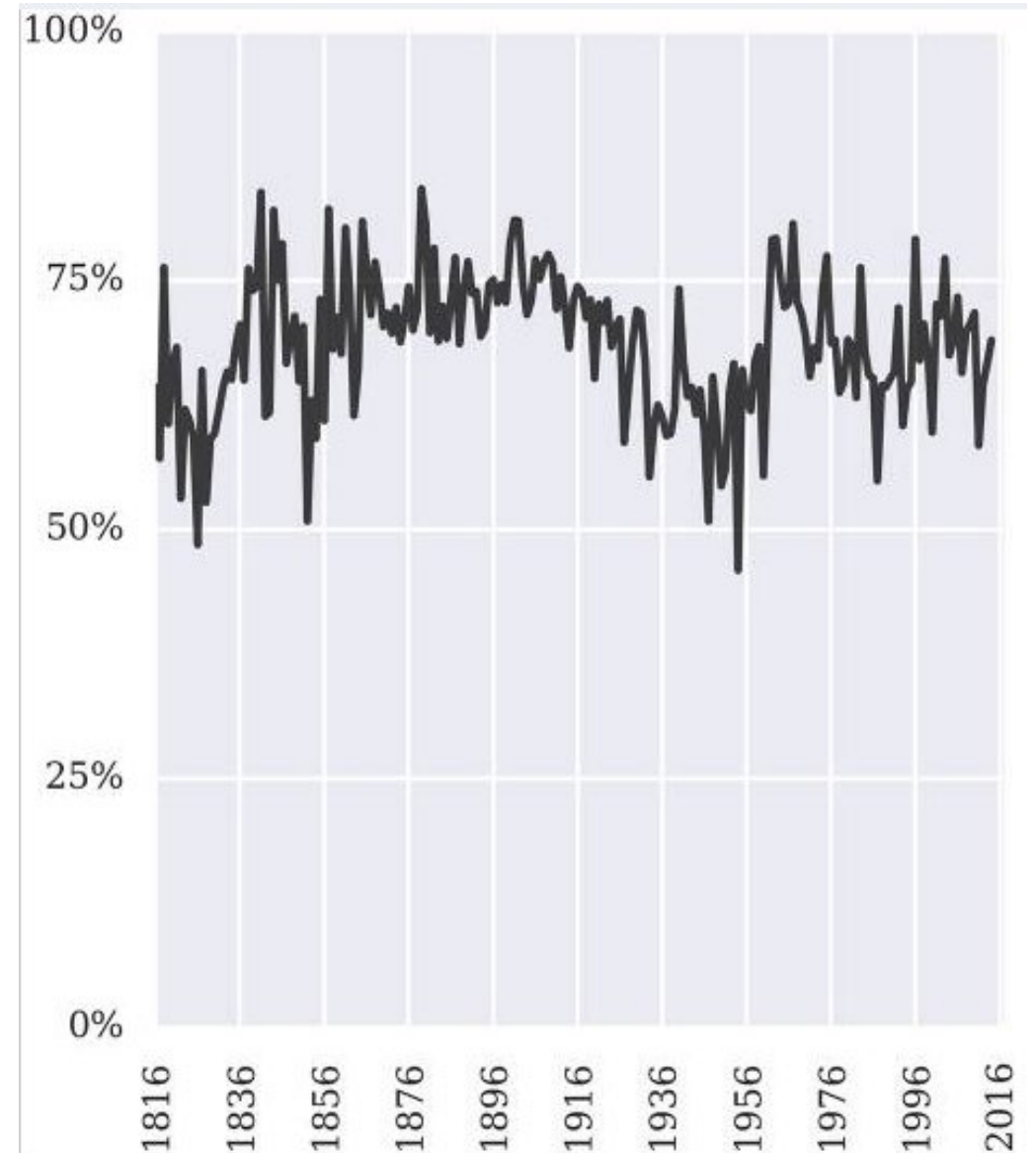
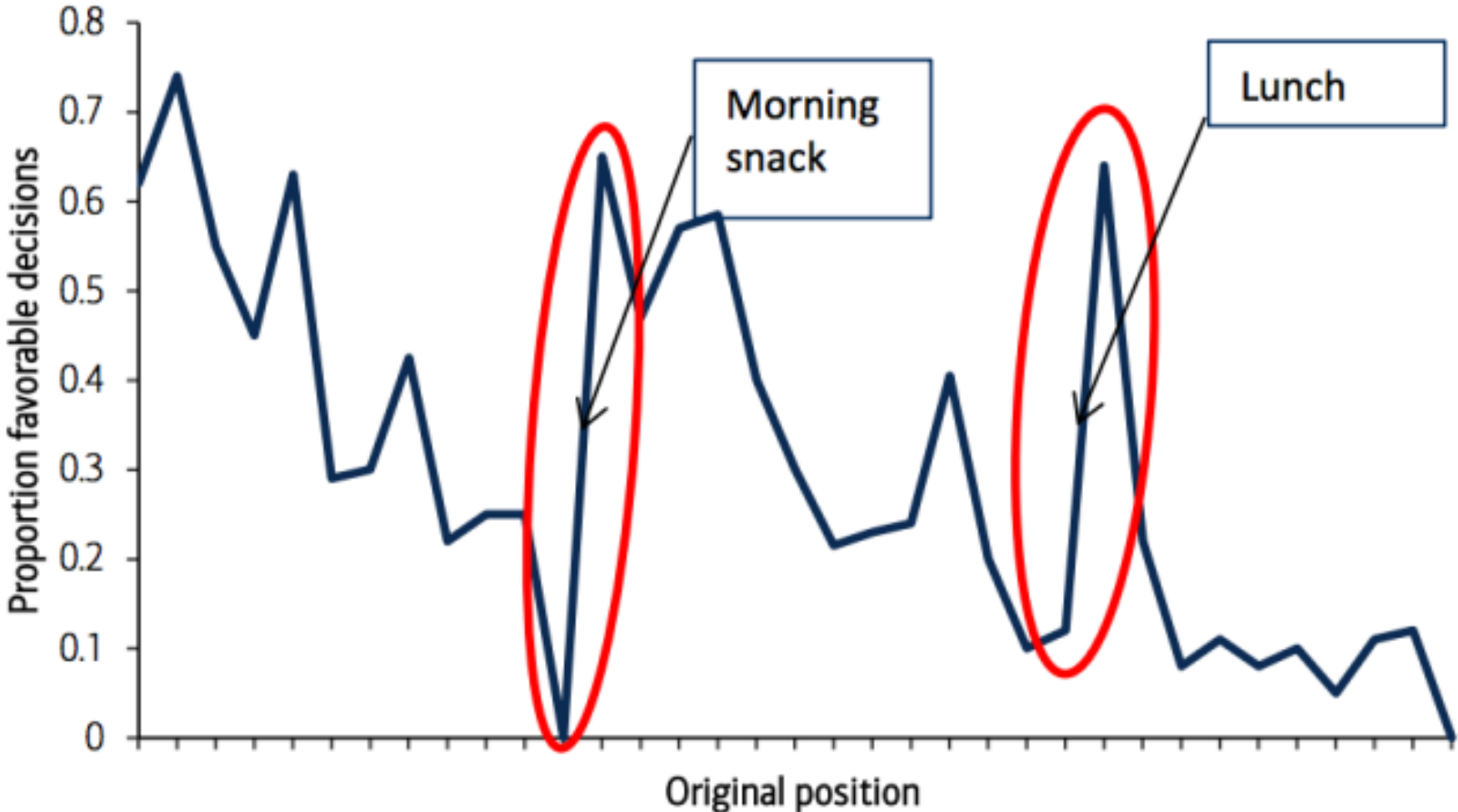
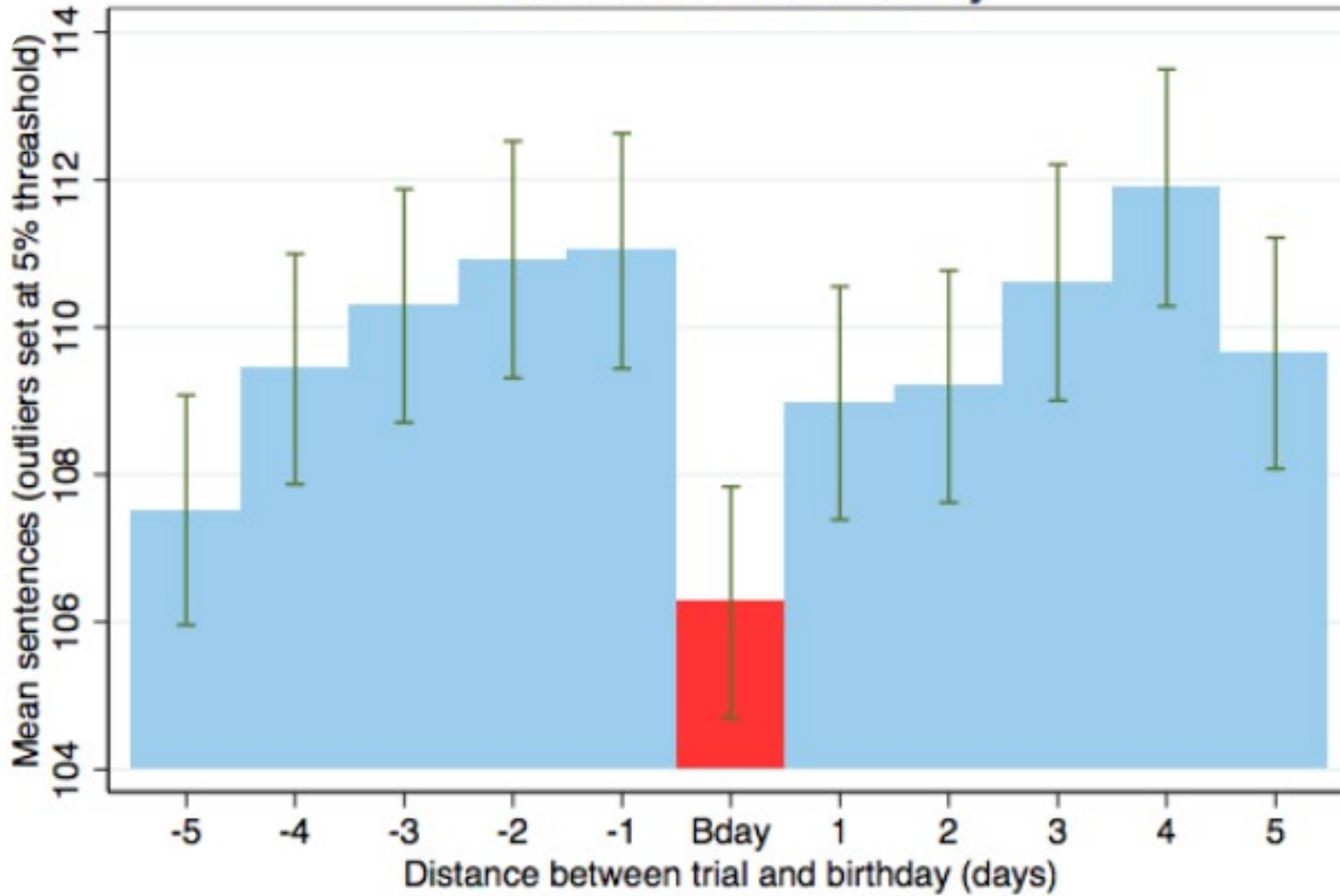


Chart 14: Israeli judges are significantly more lenient after a food break



Source: Danziger et al 2011

Sentences and birthday



(a : France)

Gartner Hype Cycle for Emerging Technologies, 2019

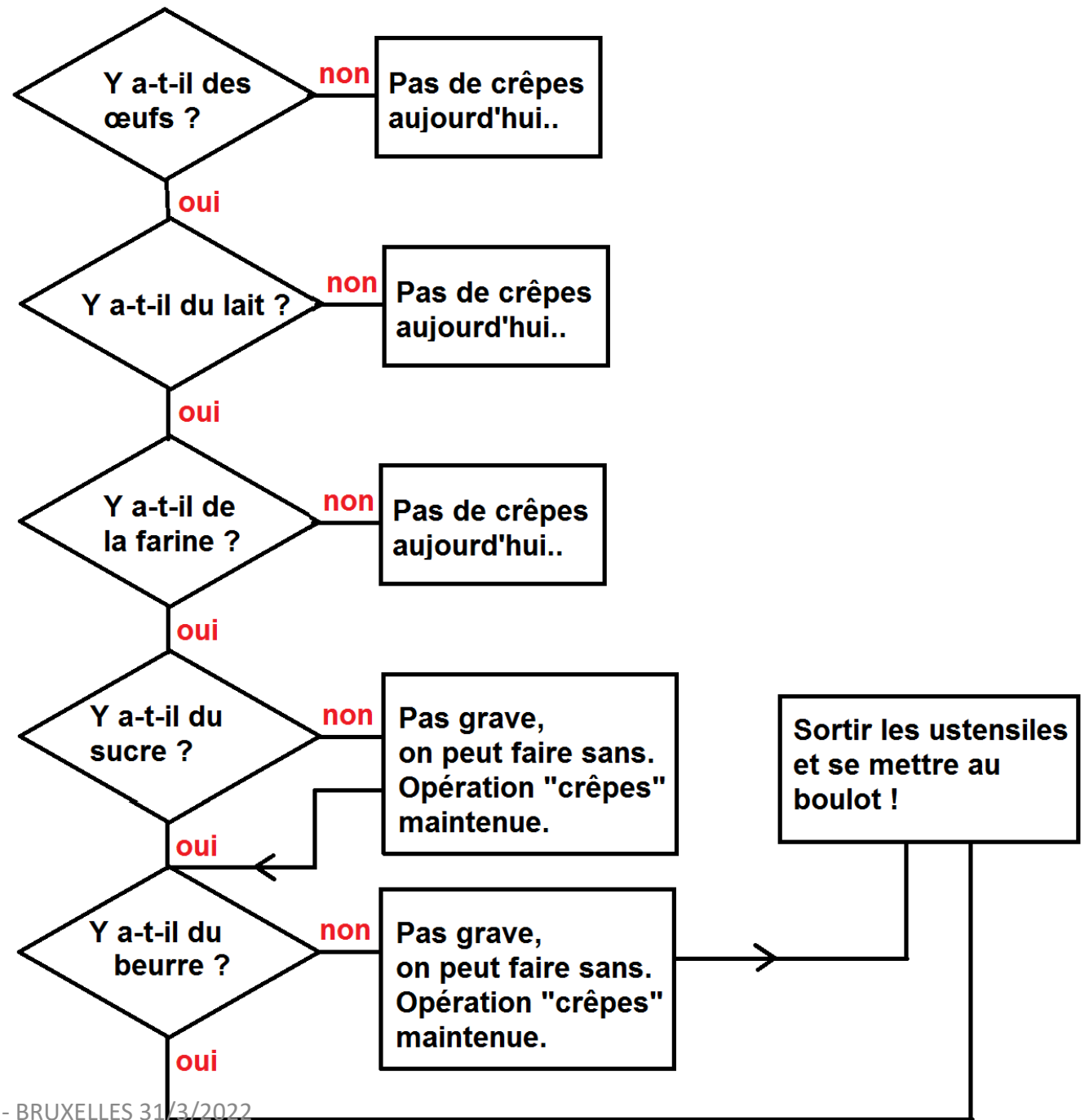


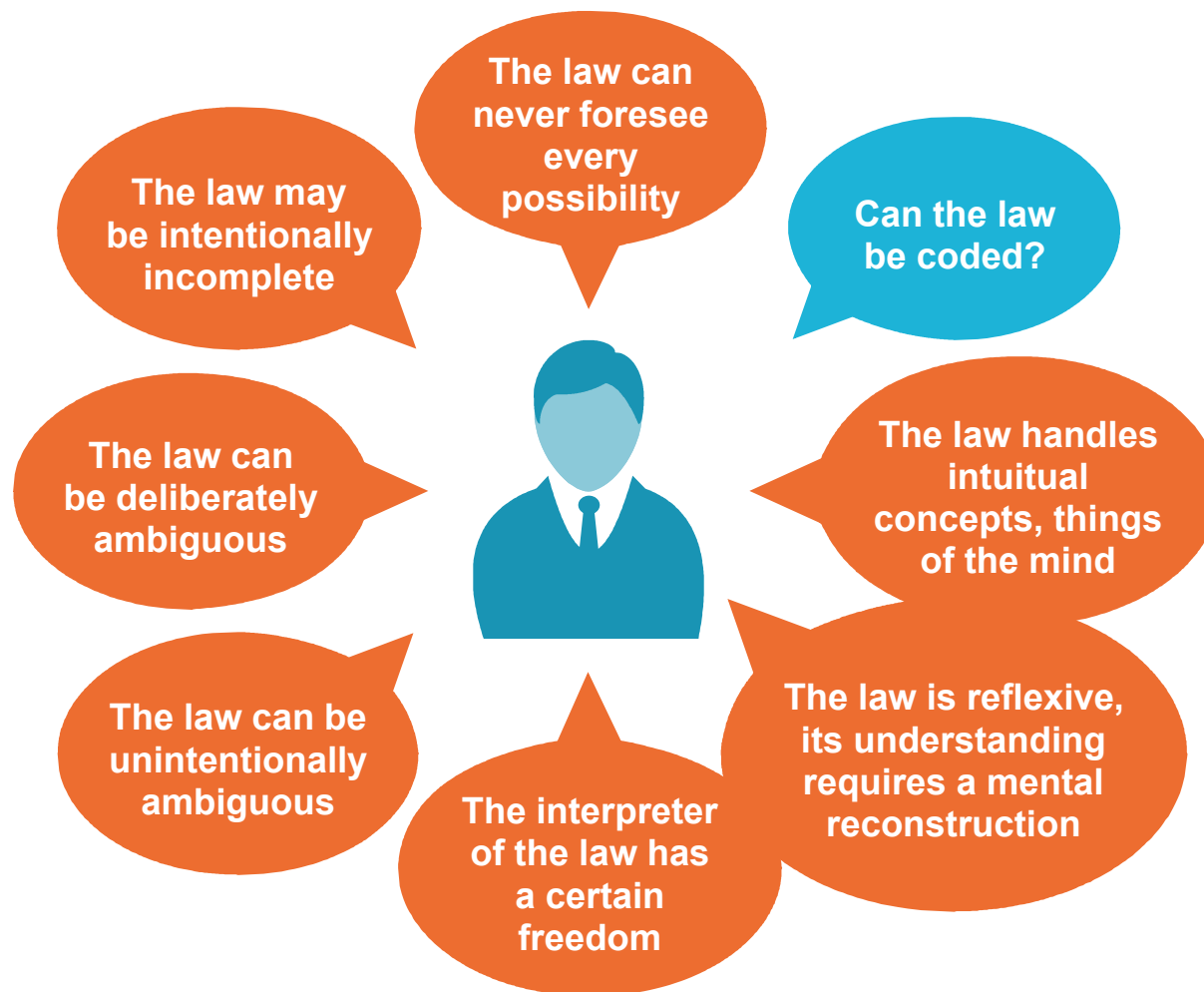
gartner.com/SmarterWithGartner

Source: Gartner
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CODE IS LAW





There is no such thing as just following the rules,
there is no such thing as “language meaning” ;
there are only meanings in contexts...The “bare
text” of the Constitution is no text at all, just
some marks on paper »

(Walter Ben Michaels)

Natural language processing (NLP)

- NLP combines computational linguistics—rule-based modeling of human language—with statistical, machine learning, and deep learning models. Together, these technologies enable computers to process human language in the form of text or voice data and to ‘understand’ its full meaning, complete with the speaker or writer’s intent and sentiment.



- 01 AUTOMATIC TRANSLATION
- 02 PREDICTIVE TEXT
- 03 EMAIL FILTERS
- 04 GRAMMAR CHECKERS
- 05 SMART ASSISTANTS (SIRI)
- 06 SEARCHES IN TEXT
- 07 VOICE RECOGNITION
- 08 SOCIAL MEDIA MONITORING
- 09 CHATBOTS
- 10 HIRING AND RECRUITMENT

01 AUTOMATIC TRANSLATION

02 PREDICTIVE TEXT

03 EMAIL FILTERS

04 GRAMMAR CHECKERS

05 SPEECH TO TEXT DICTATION

06 CHATBOTS





⏪ Jurisprudence

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Predictice

SOLUTIONS ▾

RESSOURCES ▾

TARIFS

Au cœur de la justice

Le moteur de recherche et d'analyse
choisi par 2 000 professionnels du droit

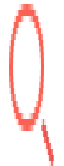
7 jours d'essai offerts

JURI' PREDIS JP

La solution de la conférence des Bâtonniers

Le sms est-il un moyen de preuve admissible

Judiciaire



Cass. com., 10 févr. 2015, n° 13-14.779

Publié au bulletin - Cassation part...

contrat de travail, execution employeur pouvoir de direction etendue contrôle et surveillance des salariés
procédés de contrôle validité

... Mais attendu que les messages écrits ("short message service" ou SMS) envoyés ou reçus par le salarié au moyen du ... qu'ayant retenu que les SMS à caractère non marqué "personnel" émis et reçus sur du matériel appartenant à la ... la Convention de sauvegarde des droits de l'homme et des libertés fondamentales rendant irrecevable ce mode de preuve ... de tels messages ne comportant pas de champ « objet » ; qu'en énonçant cependant que tant les courriels que les SMS ...



Enregistrer dans le dossier



Décisions similaires



Consulter le résumé

Cass. civ., 1re, 17 juin 2009, n° 07-21.796

Publié au bulletin - Cassation

divorce, separation de corps preuve moyen de preuve admissibilité exclusion cas caractérisation

... Attendu qu'en matière de divorce, la preuve se fait par tous moyens ; que le juge ne peut écarter des débats un élément ... viole les articles 259 et 259-1 du code civil, une cour d'appel qui écarte des débats des minimessages, dits "SMS" ... Sur le moyen unique ... de preuve que s'il a été obtenu par violence ou fraude ...



Enregistrer dans le dossier



Décisions similaires



Consulter le résumé

IBM Project Debater

Most children
who play violent
video games do
not have
problems

Exposure to
violent video
games decreases
pro-social
behavior

Violent video
games cause
adolescents to
commit acts of
real-life aggression

Video game play
is part of an
adolescent boy's
normal social
setting



Panel discussion 1: The digital transformation of law firms challenges and opportunities



Thierry Wickers

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Elise Hecq

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Moderated by Simone Cuomo, Secretary-General of the CCBE

The Digital transformation of law firms – challenges and opportunities

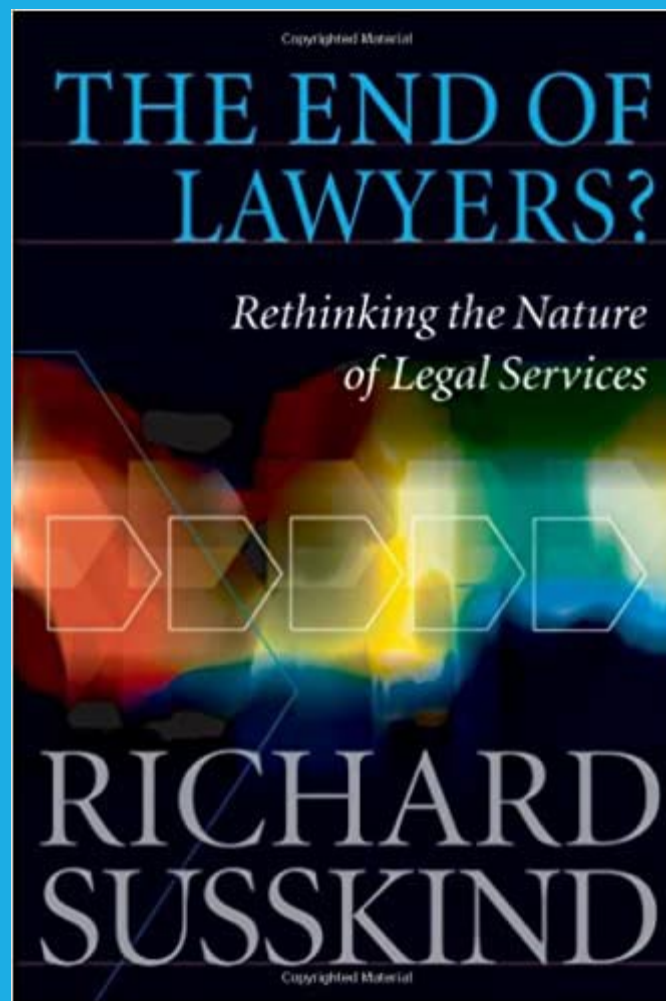
The view of the Brussels Incubator of the Brussels Bar and presentation of its activities



INCEUBRUX
INCUBATOR OF THE BRUSSELS BAR

Elise Hecq – Member of INCEUBRUX
Vinciane Gillet - President
Michel Segers – Treasurer

RICHARD SUSSKIND (2008): THE END OF LAWYERS ?

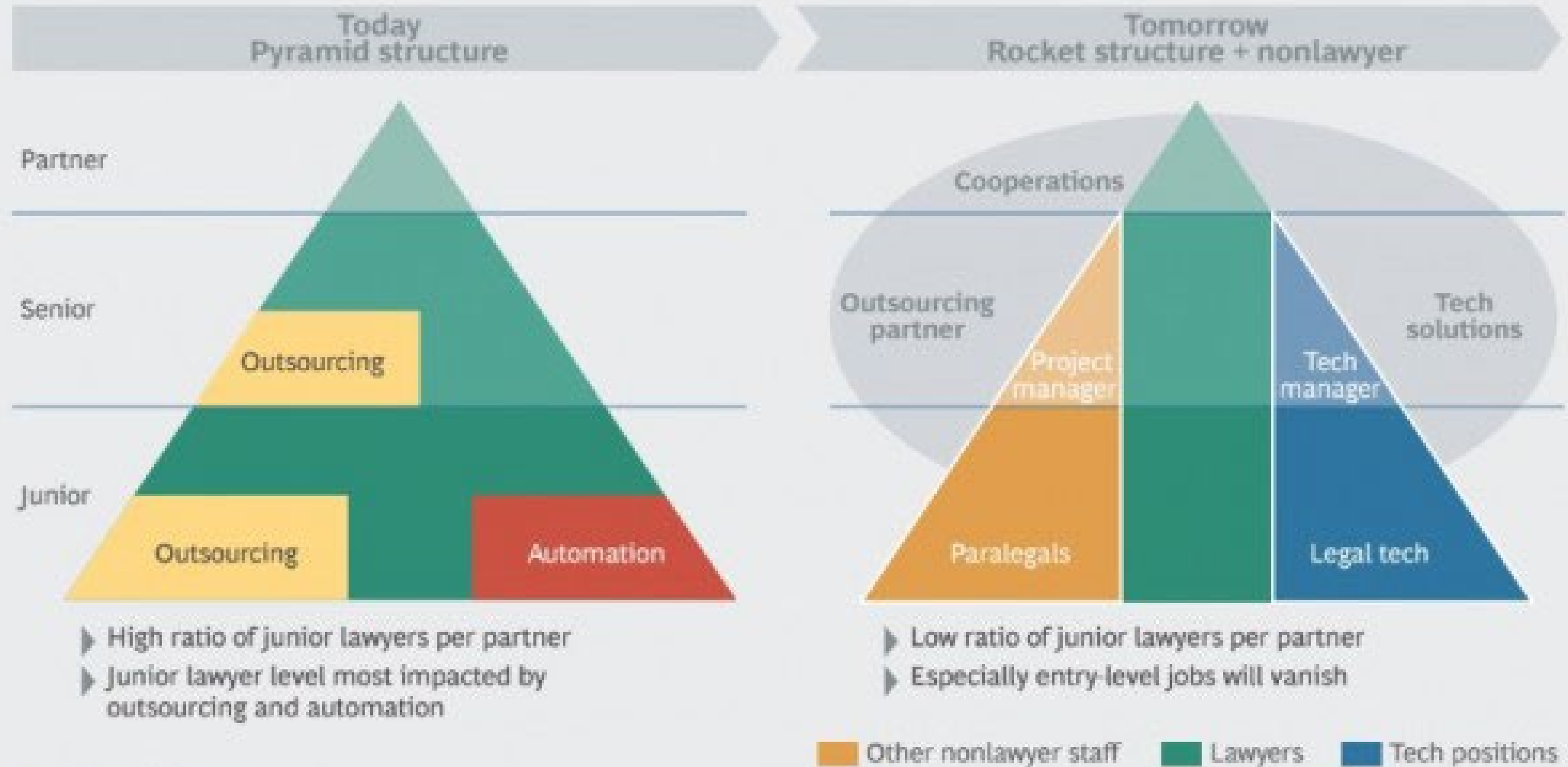


BOSTON CONSULTING GROUP (2015): THE END OF LAWYERS ?



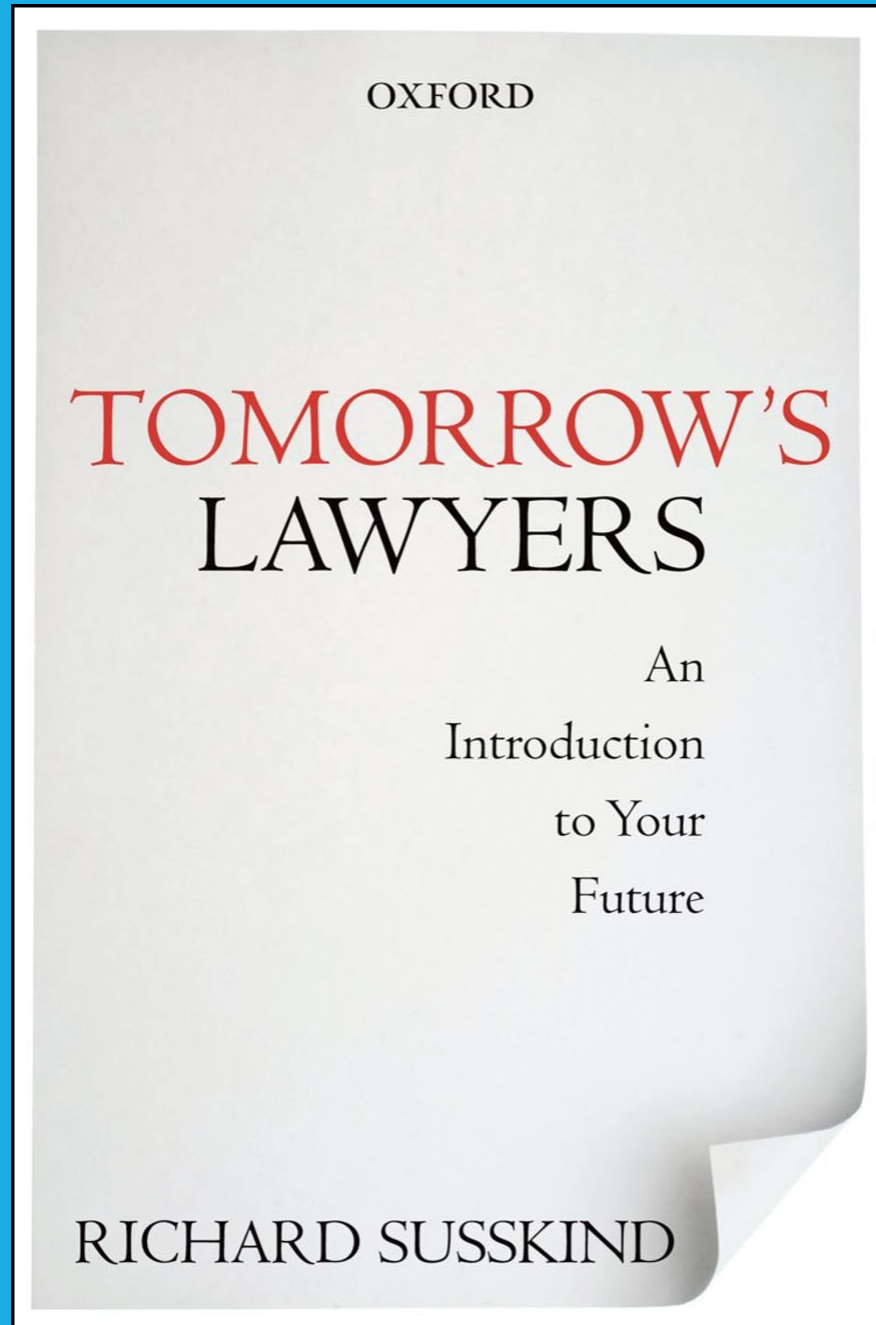
BOSTON CONSULTING GROUP: NEW BUSINESS MODEL ?

EXHIBIT 5 | Adapting big law's business model also includes the traditional pyramid structure



Source: BCG analysis

2015: TOMORROW'S LAWYERS



OXFORD

TOMORROW'S LAWYERS

An
Introduction
to Your
Future

RICHARD SUSSKIND

2022: SUSSKIND: “HARDER THAN EXPECTED” TO REDUCE LEGAL WORK TO LAWYER-FREE PROCESS

“Though the continued success of the traditional business model meant law firms saw little need to change substantially – they were not on the fabled burning platform – this ignored the fact that many in-house legal departments were.”

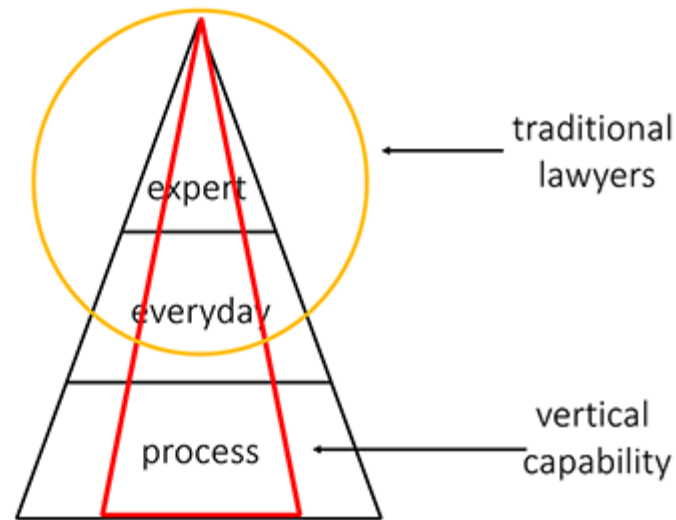
IRRATIONAL LEGAL MARKET ?

“Despite this apparent demand for great change, the legal market does not seem to have responded rationally. In the global legal market, roughly of the value of \$850-900 billion, just over 1.5 percent is currently served by alternative providers.

Why has the evident demand for change been met neither by entrepreneurial law firms nor by an avalanche of new players and disruptors? How can this apparent market failure be explained?”

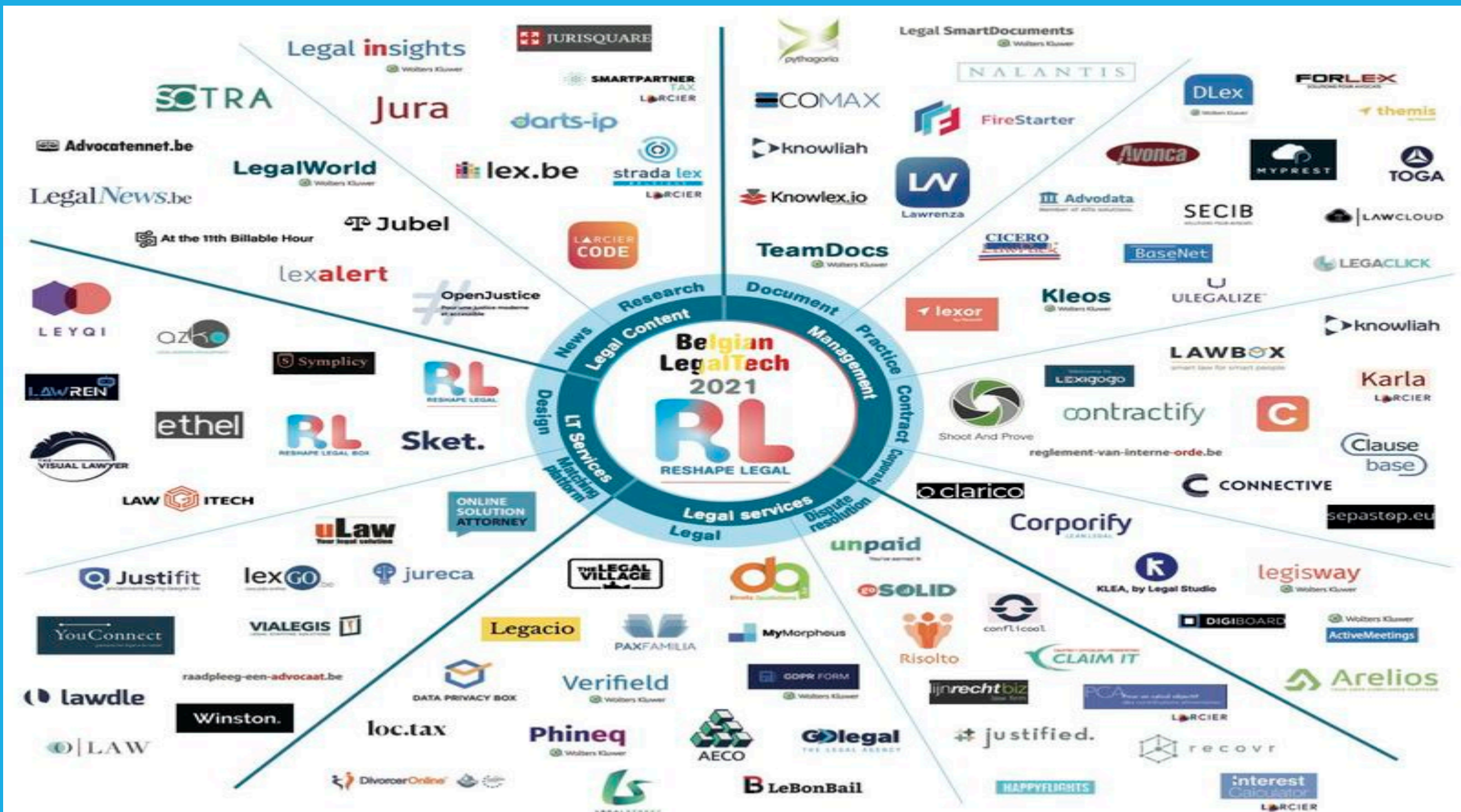
FINALLY TOWARDS VERTICALLY INTEGRATED LEGAL SERVICE ?

Figure 2



SOURCE: THE PRACTICE – HARVARD VOLUME 7 ISSUE 4 MAY / JUNE 2021

FLAVOUR OF LEGAL TECH IN BELGIUM



FLAVOUR OF WHAT EXISTS WORLDWIDE...

Legal Tech Startup Landscap



<h3>Business Development / Marketplaces</h3> <p> </p>	<h3>Litigation Funding</h3> <p> </p>	<h3>Legal Education</h3> <p> </p>	<h3>E-discovery</h3> <p> </p>
<h3>Practice Management</h3> <p> </p>	<h3>Legal Research</h3> <p> </p>	<h3>Case Mgmt / Analytics</h3> <p> </p>	
<h3>Document Automation</h3> <p> </p>	<h3>Contract Management / Analysis</h3> <p> </p>	<h3>Consumer</h3> <p> </p>	<h3>Online Dispute Resolution</h3> <p> </p>

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- LILLE -

Ordre des avocats de Lille

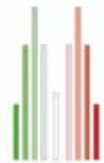


Barreau
de Luxembourg

Barreau du Luxembourg



Incubateur Barreau Marseille



RECHTSANWALTSKAMMER KÖLN

Rechtsanwaltskammer Köln



Incubateur du Barreau de
Toulouse



Barreau de Cracovie



Incubateur du barreau de Lyon



Barreau des Hauts-de-Seine



Ordre des avocats de Genève



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Le club des juristes

WHAT DOES THE INCUBATOR DO

QUELLE RÉFORME POUR LA PROFESSION D'AVOCAT EN BELGIQUE ?

UNIVERSITÉ LIBRE DE BRUXELLES
CAMPUS DU SOLBOSCH
87, AVENUE BUYL BÂTIMENT K
AMPHITHÉÂTRE HENRI LA FONTAINE

21 MARS 2018
19h00 - 21h00
(suivi d'un cocktail)

Sous la présidence du **Pr Gregory LEWKOWICZ**
(Directeur du programme droit global - Centre Perelman)

INTRODUCTION
Pr Patrick GOFFAUX
Doyen de la Faculté de Droit et de Criminologie

DISCOURS
Pr Koen GEENS
Ministre de la Justice

Me Patrick HENRY
Rapporteur du Ministre sur l'avenir de la profession d'avocat

ORATEURS
Me Jean-Pierre BUYLE
Président d'Avocats.be
Me Patrick DILLEN
Stahouder van de Nederlandse Orde van Advocaten Bij de Balie te Brussel
Pr Benoît FRYDMAN
Président du Centre Perelman
Me Vinciane GILLET
Membre du conseil de l'Ordre - Présidente de l'Incubateur européen du barreau de Bruxelles
Me Pierre SCULIER
Bâtonnier de l'Ordre français des Avocats du Barreau de Bruxelles

COCKTAIL.

POINTS DE FORMATION : LA PARTICIPATION DONNE DROIT À 2 POINTS DE FORMATION POUR LES AVOCATS

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WHAT DOES THE INCUBATOR DO (II)




1^{ER} HACKATHON JURIDIQUE DU BARREAU DE BRUXELLES



DES JURISTES, DES AVOCATS, DES INGENIEURS ET DES GEEKS RÉUNIS PENDANT UNE JOURNÉE POUR DÉVELOPPER UNE APPLICATION AU SERVICE DES PRATICIENS DU DROIT AVEC LE CONSEIL D'EXPERTS

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PALAIS DE JUSTICE - PLACE POELART - 1000 BRUXELLES



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INCUBATEUR EUROPÉEN DU BARREAU DE BRUXELLES



WHAT DOES THE INCUBATOR DO (III)



WHAT DOES THE INCUBATOR DO (IV)

BARREAU BRUXELLES ORDRRE FRANÇAIS **BALIE BRUSSEL** **Nederlandse Orde**

INCUBRUX
INCUBATEUR EUROPÉEN DU BARREAU DE BRUXELLES

ÉTATS GÉNÉRAUX DU NUMÉRIQUE



PRENONS LE TRAIN EN MARCHÉ. UNE DEMI-JOURNÉE POUR SE FORMER AUX TECHNOLOGIES AVEC DES AVOCATS, DES INGÉNIEURS ET DES ACADÉMIQUES



12H ACCUEIL - LUNCH
ME M. FORGES, BÂTONNIER DE L'ORDRE FRANÇAIS DES AVOCATS DU BARREAU DE BRUXELLES

13H INTRODUCTION
ME V. GILLET, PRÉSIDENTE DE L'INCUBATEUR

13H15 QUELLE SYNERGIE ENTRE LES INCUBATEURS D'AVOCATS EN EUROPE ?
AVEC LES PARTENAIRES DE L'INCUBRUX

15H-17H30 FORMATION EN ATELIERS

EXISTER SUR LE WEB
ME B. MAGREZ & ME A. WYNS

GERER SON CABINET A L'ERE NUMERIQUE
P.M. DAVODEAU & R. LEGENDRE - ALKANE-CONSULTING

MACHINE LEARNING FOR LAWYERS
PR. D. RESTREPO AMARILES, PR. G. LEWKOWICZ ET ALII

17H30-19H00 CONFÉRENCE DE G. BERRY
PROFESSEUR AU COLLÈGE DE FRANCE, TITULAIRE DE LA CHAIRE ALGORITHMES, LANGAGES ET MACHINES
DISCUTANT: PR. HUGUES BERSINI (ULB)

19H COCKTAIL
SUIVI DE LA NUIT DE L'INCUBATEUR, SOIRÉE DANSANTE.

14/03/2019

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1000 BRUXELLES

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FORMATION AGRÉÉE DE 4,5 POINTS PAR L'OBFG





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DE BRUXELLES

Michel Segers



Treasurer
Lawyer NOAB
Partner FLINN



Vinciane Gillet



President
Lawyer
Gillet Lex



Gregory Lewkowicz



President
Professor ULB



Panel discussion 1: The digital transformation of law firms challenges and opportunities



Thierry Wickers

3rd Vice-President of the CCBE



Elise Hecq

INCUBRUX (European Incubator of the Brussels Bar)



Jiri Novak

Chair of the CCBE IT Law Committee



Moderated by Simone Cuomo, Secretary-General of the CCBE

Panel discussion 2: The do's and don'ts – can AI deliver Justice?



Panagiotis Perakis
1st Vice-President of the CCBE



Iliana Kosti
Member of the CCBE's IT Law Committee



Eike Gräf
Policy Officer, Fundamental Rights Policy Unit, DG JUST, European Commission



Griff Ferris
Legal Advisor on AI in criminal justice, FairTrials



Moderated by Alonso Hernández-Pinzón, Managing Director of ELF



The AI Act and the use of AI systems in the context of justice

Eike GRAEF

31st March 2022

Intro

- All data is about the past
- We cannot predict the future with certainty
- Opacity is a challenge when the stakes are high

Risks to fundamental rights

- Use of AI can pose risks in different ways, e.g. use for decision-making (HR) or for surveillance (RBI), or by adding opacity to existing processes.
- Key rights: data protection, privacy, **non-discrimination**, consumer protection, **good administration**, social security and assistance, freedom of expression, freedom of assembly, education, asylum, collective bargaining and action, fair and just working conditions, and to access preventive care.
- In the context of justice: **procedural rights**

Objectives of the AI proposal

Protect safety & fundamental rights, foster uptake.

Help compliance and enforcement of existing acquis in view of opacity. Need for info to ascertain legality.

Challenge: horizontal proposal for a broad array of different technologies. (Annex IV preceded by „as applicable“).

Definition and technological scope of the regulation (Art. 3)

Definition of Artificial Intelligence

- ▶ Definition of AI should be **as neutral as possible** in order to cover techniques which are not yet known/developed
- ▶ **Overall aim is to cover all AI**, including traditional symbolic AI, Machine learning, as well as hybrid systems
- ▶ **Annex I:** list of AI techniques and approaches should provide for legal certainty (adaptations over time may be necessary)

“a software that is developed with one or more of the techniques and approaches listed in Annex I and can, for a given set of human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with”

Annex I

AI techniques and approaches covered

- ▶ Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning;
- ▶ Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems;
- ▶ Statistical approaches, Bayesian estimation, search and optimization methods.

High-risk Artificial Intelligence Systems (Title III, Annexes II and III)



Certain applications in the following fields:

1 SAFETY COMPONENTS OF REGULATED PRODUCTS

(e.g. medical devices, machinery) which are subject to third-party assessment under the relevant sectorial legislation

2 CERTAIN (STAND-ALONE) AI SYSTEMS IN THE FOLLOWING FIELDS

- ✓ Biometric identification and categorisation of natural persons
- ✓ Management and operation of critical infrastructure
- ✓ Education and vocational training
- ✓ Employment and workers management, access to self-employment
- ✓ Access to and enjoyment of essential private services and public services and benefits
- ✓ Law enforcement
- ✓ Migration, asylum and border control management
- ✓ Administration of justice and democratic processes

Annex III

HIGH-RISK AI SYSTEMS REFERRED TO IN ARTICLE 6(2)

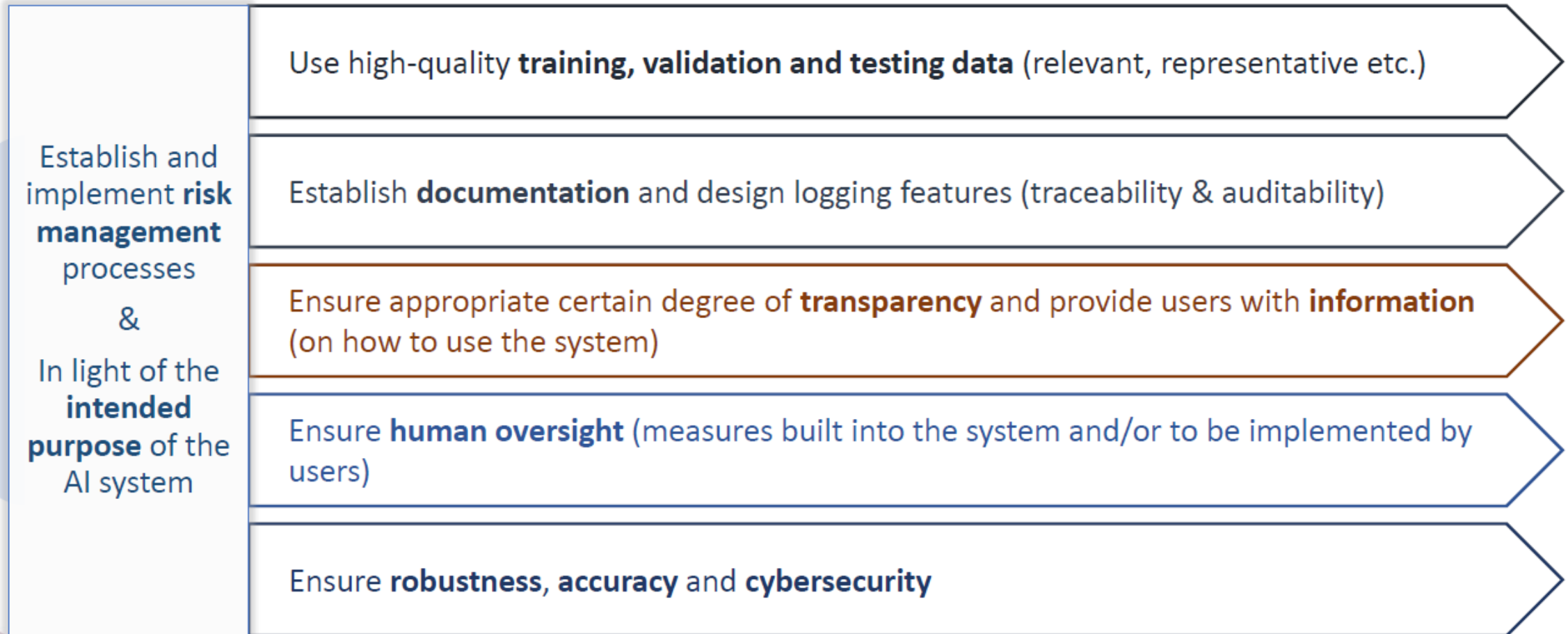
6. Law enforcement:

(d) AI systems intended to be used by law enforcement authorities for evaluation of the reliability of evidence in the course of investigation or prosecution of criminal offences;

8. Administration of justice and democratic processes:

(a) AI systems intended to assist a judicial authority in researching and interpreting facts and the law and in applying the law to a concrete set of facts.

Requirements for high-risk AI (Title III, chapter 2)



Overview: obligations of operators (Title III, Chapter 3)

HIGH RISK

Provider obligations

- ▶ Establish and Implement **quality management** system in its organisation
- ▶ Draw-up and keep up to date **technical documentation**
- ▶ **Logging** obligations to enable users to monitor the operation of the high-risk AI system
- ▶ Undergo **conformity assessment** and potentially re-assessment of the system (in case of significant modifications)
- ▶ Register AI system in EU database
- ▶ Affix CE marking and sign declaration of conformity
- ▶ Conduct **post-market monitoring**
- ▶ **Collaborate** with market surveillance authorities

User obligations

- ▶ Operate AI system in accordance with **instructions of use**
- ▶ Ensure **human oversight** when using of AI system
- ▶ **Monitor** operation for possible risks
- ▶ **Inform the provider or distributor about any serious incident** or any malfunctioning
- ▶ **Existing legal obligations** continue to apply (e.g. under GDPR)



Art. 10 - Data and data governance



Relevant, representative, appropriate statistical properties, including as regards the persons on which the system is to be used

Take into account **specific geographical, behavioural or functional setting** within which the AI system is intended to be used

- ▶ **presumption of compliance (Art. 42)** if AI system has been trained and tested on data concerning that specific geographical, behavioural and functional setting

Legal basis to process special categories of personal data for the purposes of ensuring **bias monitoring, detection and correction**

Art. 11 & Annex IV - Technical documentation



Drawn up **before AI system is placed on the market** and **kept up-to date**

Contain at least (Annex IV):

- ▶ general description of the AI system
- ▶ detailed description of **the elements of the AI system** and of the **process for its development**
- ▶ detailed **information about the monitoring, functioning and control of the AI system**
- ▶ detailed **description of the risk management system**
- ▶ (as applicable) description of any **change made to the system through its lifecycle**
- ▶ list of **harmonised standards applied** or description of **other technical solutions adopted**
- ▶ copy of the **EU declaration of conformity**
- ▶ detailed description of the **system to evaluate the AI system performance in the post-market phase**

Demonstrate compliance with requirements & enable authorities and notified bodies to assess such compliance

Art. 13 - Transparency & information to users



(Users have to comply with fundamental rights obligations)

▶ **Instructions**

▶ **Characteristics, capabilities and limitations of performance of the AI system**

▶ when appropriate, specifications for the input data, or any other relevant information in terms of the training, validation and testing data sets used, taking into account the intended purpose of the AI system.

▶ **(...)**

Art. 64 - Access to data and documentation

- Enhances ex-post supervision in view of fundamental rights
 - Access to documentation (64.3)
 - Testing (64.5)
- Dynamic: „grows“ with Annex III
- Coordination to keep burden for users + providers low

Next steps and other activities

- Co-legislators discuss
- Standard setting bodies prepare their activities
- Important to ensure capacities for authorities
- DG JRC is doing research e.g. into risk assessment systems
- EU Justice Scoreboard keeps track of the digitalisation of national justice systems
- Various funding activities



Thank you

Panel discussion 2: The do's and don'ts – can AI deliver Justice?



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